

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu
Confirmation No.: 3974
Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications Network

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**RENEWED PETITION UNDER 37 C.F.R. §§ 1.181 TO WITHDRAW THE HOLDING
OF ABANDONMENT**

Regarding the Notice of Abandonment mailed September 23, 2008 and the Decision to Dismiss a "Request for Reconsideration of Holding of Abandonment" that was filed with the Patent Office on November 13, 2008, Applicant asserts that there is no abandonment in fact. Per MPEP 711.03, Applicant requests the Examiner to reconsider the holding of abandonment because the failure to reply was unavoidable as per 37 CFR 1.137(a) (or if determined by the Examiner unintentional).

REMARKS

A Notice of Abandonment and a Decision to Dismiss after the filing of a "Request for Reconsideration of Holding of Abandonment" (hereinafter known as "Request") dated December 15, 2008 has been received by the practitioner. The Examiner asserts that Applicant has failed to timely file a proper response to the Office Action mailed on December 19, 2007.

Applicants contend, however, that the abandonment should be rescinded as Applicants failure to reply was unavoidable. In particular, Applicants did not receive this Office Action at the correspondence address of record.

Attached are Declaration affidavits signed by the IP docket and file coordinator, Zaincorie Tylor-Smith and Senior IP docket clerk, Elizabeth Stafford, which were previously forwarded to the Patent Office with the filing of the Request. Also attached is an Affidavit by the registered practitioner, Michael W. Maddox, and the petitioner, Brian Owens, for your consideration, as well as a copy of the docket indicating that no Office Action was received by Patton Boggs dated December 19, 2007. Also attached is documentary support of the master docket sheet/due date calendar of the instant application. Please note that Petitioner does not utilize file jacket covers for documenting information, such as the Office Action in question. A copy of the postcard verifying receipt by the USPTO of the status request of May 7, 2008 is also attached as well as a print out from pair showing that the status request is not documented. A copy of the response to the December 19, 2007 Non-Final Office Action as filed with the Request on November 13, 2008 is also attached for your further review.

The below signed practitioner searched the applicable records including the file jacket for this application and the contents therein and found no indication that the non-received Office Action was ever received. A search was also performed of other potential cabinets and file folders without finding the Office Action in question. A status request (copy attached) was filed with the Patent Office on May 7, 2008, but no response was ever received. At the time of the Office Action in question, the due date calendar utilized by Petition was text based rather than visually based as may be seen by the attachment.

Petitioners have a small group of docketing and calendaring specialists that date, stamp, docket, and otherwise verify all correspondence received from the Patent Office and other outside sources. For example, the docketing group stamps Office Actions as being received and records relevant information including, but not limited to, client, application number, applicable attorney,

attorney docket number, mail date of the Office Action, and due date response. The docketing specialists utilize a program known as Computer Packages Incorporated (CPI) to docket and calendar all USPTO communications for timely responses. The internal policies and processes as well as various quality controls (i.e. documents reviewed by two parties) ensure that all correspondence are properly and timely docketed indicating the docketing system is sufficiently reliable. Historically, Petitioners have experienced no problems with receiving and documenting documents, actions, and other correspondence from the USPTO indicating that the Office Action was never received.

Petitioner had conversations with various Examiners discussing the fact that the Office Action was not received. It is true that Petitioner did change firms two months later. However, at the time the Office Action in question should have been received, the Petitioner, filing and docketing personnel, and others that may have been involved, had no knowledge of a potential change of employment that subsequently occurred at the end of February whereas this Office Action should have been received in December. As a result, citing an office change as circumstance, logic or reasoning why Petitioner may have missed the Office Action is unreasonable and factually incorrect. Unrecorded correspondence from the USPTO has not been a problem before and Petitioners have not experienced problems with the many other files that have been transitioned after the fact. It is much more likely that the Office Action was simply lost in the mail or between points.

As the Applicants had not received the Office Action dated December 19, 2007, the abandonment is in error and rescission of the abandonment in accordance with 37 C.F.R. 1.181(a) and MPEP 711.03(c) is hereby requested. Acknowledgment of the active status of this application is respectfully requested.

Applicant contends the abandonment of the above-identified application is a result of the U.S. Patent Office, thus no fee is enclosed with this Petition. The Commissioner is hereby authorized to charge any additional fees required, as well as any patent application processing fees


Patent Application
Atty. Docket No. 11000060-0040
formerly: 024777.0136PTUS

associated with this communication for which full payment has not been tendered, to Deposit
Account No. 19-3140.

Acknowledgment of the active status of this application is respectfully requested.

Respectfully submitted,

Date: 2/17/09

By: 
Brian D. Owens (Reg. No. 55,517)
Sonnenschein, Nath & Rosenthal LLP
2000 McKinney Ave., Suite 1900
Dallas, Texas 75202
(Ofs) 214/259-0900
(Fax) 214/259-0910

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu

Confirmation No.: 3974

Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications Network

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AFFIDAVIT OF BRIAN D. OWENS, PETITIONER FOR ABANDONED APPLICATION

I, Brian D. Owens, being duly sworn, depose and say that:

1. I am the petitioner for the reversal of the holding of abandonment of the above-referenced Patent Application in the Patent Department for Patton Boggs LLP until February 27, 2008 and am now employed as an Associate by the law firm of Sonnenschein Nath & Rosenthal, the law firm responsible for the prosecution of said patent application.

2. I hereby declare that a diligent search of the file and our docket records for the above-referenced application has been conducted. The search indicates that the Office Action document mailed by the PTO for the above-identified application was never received at the offices of Patton Boggs, nor was it ever entered into Patton Boggs' electronic docketing system for action to be taken within the statutory period.

3. I further declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of this application and any registration resulting therefrom.

Further affiant sayeth not.

Brian D. Owens

Brian D. Owens, Attorney
Registration No. 55,517

STATE OF TEXAS

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COUNTY OF DALLAS

SUBSCRIBED AND SWORN TO BEFORE ME this 17th day of

February 2009.

Carol Marstaller

Notary Public in and for
THE STATE OF TEXAS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu
Confirmation No.: 3974
Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications Network

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**AFFIDAVIT OF MICHAEL W. MADDOX, REGISTERED PRACTITIONER FOR
ABANDONED APPLICATION**

I, Michael W. Maddox, being duly sworn, depose and say that:

1. I am the registered practitioner for the above-referenced Patent Application in the Patent Department for Patton Boggs LLP until February 27, 2008.

2. All incoming mail from the PTO received with regard to the above-identified application would have been forwarded to the senior docket clerk, Elizabeth Stafford from Zancorie Taylor-Smith, formerly a IP Docket and File Coordinator in the Patent Department at Patton Boggs LLP.

3. Following entry in the electronic docketing system for Office Actions, documents are placed in the corresponding file and forwarded to me for preparation of all response documents.

5. A diligent search of the file and our docket records for the above-referenced application has been conducted. The search indicates that I never received the Office Action document mailed by the PTO for the above-identified application, nor was it ever entered into our electronic docketing system for action to be taken within the statutory period. I do not recall ever seeing the Office Action document.

I hereby declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of this application and any registration resulting therefrom.

Further affiant sayeth not.

Michael W. Maddox

Michael W. Maddox, Patent Agent
Registration No. 47,764

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO BEFORE ME this 17th day of

February, 2009.



Carol Marstaller

Notary Public in and for
THE STATE OF TEXAS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu
Confirmation No.: 3974
Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications Network

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AFFIDAVIT OF ELIZABETH STAFFORD FOR ABANDONED APPLICATION

I, Elizabeth Stafford, being duly sworn, depose and say that:

1. I was the Senior IP docket clerk in the Patent Department for Patton Boggs LLP until August 20, 2008.
2. All incoming mail from the PTO received with regard to the above-identified application would have been forwarded to me from Zancorie Taylor-Smith, formerly a IP Docket and File Coordinator in the Patent Department at Patton Boggs LLP.
3. All entries were made by me in the electronic docketing system for each Office Action received and forwarded to me.
4. Following entry in the electronic docketing system for Office Actions, documents are placed in the corresponding file.
5. A diligent search of the file and our docket records for the above-referenced application was conducted. The search indicates that I never received the Office Action document mailed by the PTO for the above-identified application, nor was it ever entered into our electronic docketing system for action to be taken within the statutory period. I do not recall ever seeing the Office Action document.

I hereby declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of this application and any registration resulting therefrom.

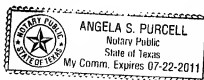
Further affiant sayeth not.

Elizabeth Stafford
Elizabeth Stafford

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO BEFORE ME this 12th day of
November, 2008.

Angela S. Purcell
Notary Public in and for
THE STATE OF TEXAS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu
Confirmation No.: 3974
Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications Network

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AFFIDAVIT OF ZAINCORIE TAYLOR-SMITH FOR ABANDONED APPLICATION

I, Zaincorie Taylor-Smith, being duly sworn, depose and say that:

1. I was the IP Docket and File Coordinator in the Patent Department for Patton Boggs LLP from April 2007 to April 2008. I was personally aware of the actions taken with respect to all mail incoming into the Dallas Office of the law firm of Patton Boggs LLP, Patent Department received from the United States Patent and Trademark Office (PTO).

2. I received and opened all mail for the Patent Department of the Dallas Office of Patton Boggs LLP received from the PTO.

3. Once opened, I date stamp each piece of mail and deliver each piece of mail, including Office Actions documents, from the PTO to Elizabeth Stafford for docketing and to the appropriate administrative secretary in the Patent Department of Patton Boggs LLP. I also forward such mail and copies of such mail for entry in the electronic docketing system maintained by Patton Boggs LLP.

4. A review of the file in the above-identified matter indicates that the Office Action for the above-identified application was never received by myself nor was it ever delivered for action to be taken with the statutory period.

I hereby declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of this application and any registration resulting therefrom.

Further affiant sayeth not.

Zaincorie Taylor-Smith
Zaincorie Taylor-Smith

STATE OF TEXAS §

COUNTY OF DALLAS §

SUBSCRIBED AND SWORN TO BEFORE ME this 11th day of
November, 2008



Carol Marstaller
Notary Public in and for
THE STATE OF TEXAS

U.S. PATENT & TRADEMARK OFFICE

Docket No. 024777.0136PTUS

Date: May 7, 2008

MWM/cam

Inventor: Fries, et al.

App No. 10/787,345

Filing Date: February 28, 2004

Entitled: Computerized System and Method for Updating the Layout of a
Telecommunications Network

Documents filed:

PTO Transmittal Letter
Request for Status Inquiry
Acknowledgment Postcard



js

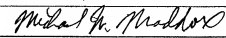
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	10/787,345
		Filing Date	February 26, 2004
		First Named Inventor	Fries, et al.
		Art Unit	2614
		Examiner Name	Binh Kien Tieu
Total Number of Pages in This Submission	3	Attorney Docket Number	024777.0136PTUS

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Acknowledgement Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sonnenschein, Nath & Rosenthal		
Signature			
Printed name	Michael W. Maddox		
Date	5/2/08	Reg. No.	47,764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu

Confirmation No.: 3974

Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications
Network

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REQUEST FOR STATUS INQUIRY

Please advise the status of the above-identified patent application. A response to an Office Action dated June 5, 2007 was mailed by the Patent Office on December 4, 2007.

Five (5) months have passed since the filing of the above-referenced Office Action and no further Office Action has been received.

Kindly advise the undersigned of the present status of this application, by checking the appropriate box on the next page. A return-addressed envelope is provided.

Respectfully submitted,



Michael W. Maddox
Reg. No. 47.764
Sonnenschein, Nath & Rosenthal
1717 Main, Suite 3400
Dallas, Texas 75201
Phone (214) 259-0900

Dated: 5/2/08

STATUS INQUIRY REPLY

APPLICATION TITLE: Computerized System and Method for Updating the Layout of a
Telecommunications Network

INVENTORS: Fries, et al.

Docket: 024777.0136PTUS

Filed: February 26, 2004

APPLICATION SERIAL NO. 10/787,345 IS CURRENTLY

ASSIGNED TO GROUP 2614 AND AWAITS:

- ☐ ACTION BY THE EXAMINER (name: _____)
- ☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey M. Fries et al.

Application No.: 10/ 787,345

Confirmation No.: 3974

Filed: February 26, 2004

Art Unit: 2614

For: COMPUTERIZED SYSTEM AND METHOD
FOR UPDATING THE LAYOUT OF A
TELECOMMUNICATIONS NETWORK

Examiner: B. K. Tieu

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated December 19, 2007, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/ Arguments begin on page 6 of this paper.

AMENDMENTS TO CLAIMS

1. (Currently Amended) A computerized system for automatically updating the layout of a telecommunications network, the system comprising:
a maintenance entry component for receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network;
and
a structural database component that automatically updates the physical layout database of the network to reflect lines or equipment have been added or removed from the physical layout of the telecommunications network;
a relational database that organizes line usage information for the equipment corresponding to the physical layout database; and
a report generator component that extracts the line usage information from the relational database component to generate line usage reports.
2. (Currently Amended) The system of claim 1, further comprising:
a maintenance tracking component for storing and tracking information regarding the entry of information into the maintenance entry component, wherein the entry information includes the time and date maintenance information was entered, an identity of the user entering the maintenance information, and wherein the
~~maintenance information includes~~ lines that have been removed from and added to a particular line unit.
3. (Currently Amended) The system of claim 1, wherein ~~the maintenance information includes lines that have been removed from a particular line unit~~ line usage information is text associated with common language location identifiers, and wherein the line usage information includes a percent overflow, usage information, a current utilization percentage, a network element, a traffic element, hour a highest blockage occurred, a number of calls per piece of equipment, overflow information, a number of working lines, equipped lines, wired lines, amount of the equipment, and utilization of the equipment.

4. (Currently Amended) The system of claim 1, further comprising:
a report information component that extracts the line usage information from the relational database at intervals and based on report criteria specified by a user to generate the line usage reports, wherein the line usage reports include performance reports, blockage reports and consecutive reports wherein the information in the physical layout database may be utilized to generate line usage reports.
5. (Currently Amended) The system of claim 14, ~~further comprising:~~ a maintenance tracking component for storing and tracking information regarding the entry of information into the maintenance entry component wherein the performance report specifies a switch type, a region, a central office switch module information, and line unit information including: highest hourly percent block for last weeks, a busy hour percent capacity, equipped lines, wired lines, a number of working lines, a highest busy hour usage, busiest usage values, and current or pending load balance activities;
wherein the blockage reports specifies a number of line units blocked per week by region, regions with a highest line unit blockage, and a number of line units that may require additional equipment; and
wherein the consecutive reports specify a region, a host, a host description, a switch, a switch module, and a line unit that has had blockages reported within a time period.
6. (Currently Amended) The system of claim 54, wherein the report criteria specifies a region, a company, a state office/ host, a switch module, and a line unit, and wherein the entry information includes the time and date maintenance information was entered.
7. (Currently Amended) The system of claim 61, ~~wherein the entry information includes the identity of the user entering maintenance information~~ the structural database component automatically recognized when the equipment has been added or removed in response to the relational database component accessing the physical layout database to organize the line usage information.

8. (Currently Amended) A method in a computer system for automatically updating the layout of a telecommunications network, the method comprising:
receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network; and
automatically updating a physical layout database of the network to reflect that equipment has been added or removed from the physical layout of the telecommunications network, such that information in the physical layout database may be utilized to generate line usage reports;
organizing line usage information for the equipment corresponding to the physical layout database;
extracting the line usage information from a relational database component to generate line usage reports including performance reports, blockage reports, and consecutive reports; and
displaying the performance reports, blockage reports, and consecutive reports to one or more users based on criteria specified by a user.
9. (Currently Amended) The method of claim 8, further comprising:
storing the maintenance information such that it may be displayed with line usage information for associated equipment, wherein the line usage information includes a percent overflow, usage information, a current utilization percentage, a network element, a traffic element, a hour a highest blockage occurred, a number of calls per piece of equipment, overflow information, a number of working lines, equipped lines, wired lines, an amount of equipment, and utilization of the equipment.
10. (Currently Amended) The method of claim 98, further comprising:
tracking and storing information regarding the entry of information into the maintenance entry component, wherein the entry information includes a time and date maintenance information was entered, an identity of a user entering the maintenance information, and lines that have been removed from and added to a particular line unit.

11. (Currently Amended) The method of claim 408, wherein the criteria includes an interval specifying a frequency for generating each of the performance reports, blockage reports, and consecutive reports ~~entry information includes the time and date maintenance information was entered.~~
12. (Currently Amended) The method of claim 11, further comprising: automatically detecting when the equipment has been added or removed in response to the relational database component accessing the physical layout database to organize the line usage information, wherein the entry information includes the identity of the user entering maintenance information.
13. (Currently Amended) The method of claim 12, further comprising: displaying the entry information wherein the performance reports displays a switch type, a region, central office switch module information, and line unit information including: a highest hourly percent block for the last weeks, a busy hour percent capacity, equipped lines, wired lines, a number of working lines, a highest busy hour usage, busiest usage values, and current or pending load balance activities; wherein the blockage reports displays a number of line units blocked per week by region, regions with a highest line unit blockage, and a number of line units that require additional equipment; and wherein the consecutive reports display a region, a host, a host description, a switch, a switch module, and a line unit that has had blockages reported within a time period.
14. (Original) One or more computer-readable media having computer-executable instructions for performing the method recited in claim 8.
15. (Currently Amended) A method in a computer system for displaying load balance activity, the method comprising:
receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network;
storing the maintenance information for the associated equipment in the telecommunications network;

receiving request for line usage information for one or more items of equipment in telecommunications network;
accessing maintenance information associated with the one or more items of equipment; ~~and~~
organizing line usage information for the equipment corresponding to the physical layout;
extracting the line usage information to generate line usage reports including performance
reports, blockage reports and consecutive reports; and
displaying the line usage ~~reports information~~ and associated maintenance information to one
or more users based on criteria specified by a user.

16. (Currently Amended) The method of claim 15, further comprising:
storing ~~information related to the entry of maintenance information~~ the maintenance
information and line usage information for display according to associated
equipment, wherein the line usage information includes a percent overflow, usage
information, a current utilization percentage, a network element, a traffic element, a
hour the highest blockage occurred, a number of calls per piece of equipment,
overflow information, a number of working lines, equipped lines, wired lines, an
amount of equipment, and a utilization of the equipment.
17. (Currently Amended) The method of claim 16~~5~~, further comprising:
accessing information from the one or more items of equipment in the telecommunications
network and converting the information to a readable form to be recorded
displaying the entry information.
18. (Currently Amended) The method of claim 17, wherein the accessing is performed by a
centralized data collection, and wherein the readable form is text associated with common
language location identifiers ~~request for line usage information is a request for line usage~~
~~report.~~
19. (Currently Amended) The method of claim 18~~5~~, wherein the line usage reports include
performance reports, blockage reports, and consecutive reports ~~further comprising:~~
displaying the request ~~requested~~ line usage report.
20. (Original) One or more computer-readable media having computer-executable instructions
for performing the method recited in claim 15.

21. (Currently Amended) A computer system for displaying load balance activity, the system comprising:
means for receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network;
means for storing the maintenance information for the associated equipment in the telecommunications network;
means for receiving request for line usage information for one or more items of equipment in telecommunications network;
means for accessing maintenance information associated with the one or more items of equipment;
means for organizing line usage information for the equipment corresponding to the physical layout;
means for extracting the line usage information to generate line usage reports including performance reports, blockage reports and consecutive reports; and
means for displaying the line usage ~~reports information~~ and associated maintenance information to one or more users based on criteria specified by a user.
22. (Currently Amended) The system of claim 21, further comprising:
means for storing and tracking information related to the entry of maintenance information, wherein the entry information includes the time and date maintenance information was entered, an identity of the user entering the maintenance information, and lines that have been removed from and added to a particular line unit.
23. (Currently Amended) The system of claim 22, ~~further comprising:~~
~~means for displaying the entry information wherein the line usage reports include~~ performance reports, blockage reports, and consecutive reports.
24. (Currently Amended) The system of claim 243, wherein the performance reports displays switch type, region, central office switch module information, and line unit information including:
a highest hourly percent block for recent weeks, a busy hour percent capacity, equipped lines, wired lines, a number of working lines, a highest busy hour usage, busiest usage values, and current or pending load balance activities;

wherein the blockage reports displays a number of line units blocked per week by region, regions with a highest line unit blockage, and a number of line units that require additional equipment; and

wherein the consecutive reports display a region, a host, a host description, a switch, a switch module, and a line unit that has had blockages reported within a time period request for line usage information is a request for a line usage report.

25. (Original) The method of claim 21-24, further comprising:
means for converting the maintenance information and line usage information to a readable form to be recorded for display, displaying the requested line usage report.

REMARKS

The application has been carefully reviewed in light of the Office Action mailed December 19, 2007. At the time of the Office Action, Claims 1-25 are pending in this patent application. Claims 1-25 are rejected. Claims 1-13, 15-19, 21-25 are amended. Applicants have similarly filed a Request for Reconsideration of Holding of Abandonment, affidavits, and complied with the other revival requirements. Applicants once again note that the previous Office Action was never received and as a result was unavoidably abandoned. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

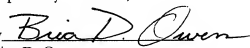
Applicants have amended the claims to more clearly claim the subject matter of the application in light of the new references cited by the Examiner. With regard to the newly amended independent and dependent claims, Applicants assert that the relational database component and report generator component and their corresponding functionality are not taught by *Rakotoarivelo* or *Galau*.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: 11/13/08

Respectfully submitted,

By


Brian D. Owens

Registration No.: 50,574

Sonnenschein, Nath & Rosenthal

1717 Main Street, Suite 3400

Dallas, Texas 75201

(Phone) 214.259.0900

(Fax) 214.259.0910

Country Application

Friday, October 17, 2008

Page: 1

Case Number: 024777.0136	SubCase: PT	Country: US
PB Reference #: 024777.0136PTUS		
Client: Embarq		United States of America
Case Type: PRI	Application Status: Transferred	
Application Number: 10/787345	Filing Date: 26-Feb-2004	
Publication Number:	Publication Date:	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date :	
Parent Issue Number:	Parent Issue Date :	
Tax Schedule: LE	Expiration Date:	
Confirmation #: 3974	Patent Term Adjustment: 0	
Agent: SHB	Agent Reference #: spri.110410	
Shook, Hardy & Bacon		
	Status Changed Date: 07-Aug-2006	
Disclosure Received Date:	Target File Date:	
Target Draft Date:	Sent Draft Date:	
Client Reference #1: 2595		
Client Reference #2:		
Client Reference #3:		
Art Unit:	Examiner:	
Application Title: COMPUTERIZED SYSTEM AND METHOD FOR UPDATING THE LAYOUT OF A TELECOMMUNICATIONS NETWORK		
Internal Status: Embarq Case#+Country+Subcase: 2595US Honorariums paid to Fries and Edwards 03/26/04		
Certificates received for Fries 6/3/04		
Attorney1: GTW	Gerald T. Welch	
Attorney2: DWC	Darren W. Collins	
Attorney3: MWM	Michael W. Maddox	
Responsible Office: DA		

List Of Actions

Action(s) Due	Due Date	Due Date	Action Taken
Application Status Check	05-May-2008	Due Date	
IDS postcard rec'd?	04-Feb-2008	Due Date	18-Dec-2007
RESPONSE DUE w/3 MO EXT(FINAL)	05-Dec-2007	Final	05-Nov-2007
Response to OA pstcrd recvd?	05-Dec-2007	Due Date	14-Nov-2007
Response due w/2 mo ext	05-Nov-2007	Due Date	05-Nov-2007
Response due w/1 mo ext	05-Oct-2007	Due Date	05-Nov-2007
Response to Office Action	05-Sep-2007	Due Date	05-Nov-2007
Information Disclosure Stmtnt	25-Aug-2007	Due Date	04-Dec-2007
Recd New Office Action?	19-Jun-2007	Due Date	05-Jun-2007
Response to OA pstcrd recvd?	29-Mar-2007	Due Date	29-Mar-2007
Response to Office Action	18-Mar-2007	Due Date	19-Mar-2007
POA acceptance rec'd?	27-Jan-2007	Reminder	19-Dec-2006
Change of Corre Follow Up Date	04-Nov-2006	Due Date	05-May-1955
POA to PTO	27-Sep-2006	Reminder	27-Sep-2006
Change of Correspnd.Address	04-Aug-2006	Due Date	04-Aug-2006
US-Disclosure R Follow Up Date	26-Feb-2004	Due Date	26-Feb-2004
Target Filing Date	18-Feb-2004	Due Date	26-Feb-2004
Final Draft of Applications	08-Feb-2004	Due Date	20-Feb-2004
Inventor Comments	01-Feb-2004	Due Date	26-Feb-2004
Application Draft	18-Jan-2004	Due Date	30-Jan-2004
Disclosure Meeting	18-Nov-2003	Due Date	26-Feb-2004
OC Assignment	01-Nov-2003	Due Date	27-Oct-2003

User ID: liz**Date Created:** 27-Oct-2003**Last Update:** 09-Nov-2007

Country Application

Tuesday, February 17, 2009

Page: 1 / Calendar

Client.Matter No.: 11000060-0040

Office: DA

Family Number: EM-0136

Old Firm #: 0136PTUS

Country: US United States of America

SubCase:

Client: EMBARQ

Atty: DUC

225

Case Type: ORD

Application Status: Pending

Application Number: 10/787345

Filing Date: 26-Feb-2004

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Priority Number:

Priority Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Expiration Date:

Client Reference: 2595

Add. Client Reference:

Tax Schedule: LE

GAU: 2614

Customer #:

Confirmation #: 3974

Patent Term Adjustment: 0

Agent:

Agent Reference #:

Remarks: 6/12/08 - FILE NOT AVAILABLE AT TIME OF INTAKE. NONPUBLICATION REQUEST WAS FILED - UNABLE TO CONFIRM ANY INFORMATION ON PAIR. ALL INFORMATION IN THIS RECORD CAME FROM PB DATABASE.

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ClientRef1:2595

Internal Status:Embarq Case#+Country+Subcase: 2595US
Honorariums paid to Fries and Edwards 03/26/04

Certificates received for Fries 6/3/04

List Of Actions

Action(s) Due	Due Date		Action Taken
OC Assignment	01-Nov-2003	Due Date	27-Oct-2003
Disclosure Meeting	18-Nov-2003	Due Date	26-Feb-2004
Application Draft	18-Jan-2004	Due Date	30-Jan-2004
Inventor Comments	01-Feb-2004	Due Date	26-Feb-2004
Final Draft of Applications	08-Feb-2004	Due Date	20-Feb-2004
Target Filing Date	18-Feb-2004	Due Date	26-Feb-2004
US-Disclosure R Follow Up Date	26-Feb-2004	Due Date	26-Feb-2004
Information Disclosure Stmtnt	26-May-2004	Due Date	23-Sep-2008
Application Status Check (1st)	26-Jul-2004	Due Date	05-Jun-2008
Status-Official Filing Receipt	26-Jul-2004	Due Date	05-Jun-2008
6 Mo Rem Foreign Filing Due	26-Aug-2004	Reminder	05-Jun-2008
3 Mo Rem Foreign Filing Due	26-Nov-2004	Reminder	05-Jun-2008
1 Mo Rem Foreign Filing Due	26-Jan-2005	Reminder	05-Jun-2008
Foreign Filing Due	26-Feb-2005	Due Date	05-Jun-2008
Change of Correspnd.Address	04-Aug-2006	Due Date	04-Aug-2006
POA to PTO	27-Sep-2006	Reminder	27-Sep-2006
Change of Corre Follow Up Date	04-Nov-2006	Due Date	05-May-1955
1 Mo Rem Deferred Exam	26-Jan-2007	Reminder	05-Jun-2008
POA acceptance rec'd?	27-Jan-2007	Reminder	19-Dec-2006
Deferred Examination	26-Feb-2007	Due Date	05-Jun-2008
Response to Office Action	18-Mar-2007	Due Date	19-Mar-2007
Response to OA psterd recvd?	29-Mar-2007	Due Date	29-Mar-2007
Recd New Office Action?	19-Jun-2007	Due Date	05-Jun-2007
Information Disclosure Stmtnt	25-Aug-2007	Due Date	04-Dec-2007
Response to Office Action	05-Sep-2007	Due Date	05-Nov-2007
Response due w/1 mo ext	05-Oct-2007	Due Date	05-Nov-2007
Response due w/2 mo ext	05-Nov-2007	Due Date	05-Nov-2007
RESPONSE DUE w/3 MO EXT(FINAL)	05-Dec-2007	Final	05-Nov-2007
Response to OA psterd recvd?	05-Dec-2007	Due Date	14-Nov-2007
IDS postcard rec'd?	04-Feb-2008	Due Date	18-Dec-2007
Status Inquiry Filed	02-May-2008	Due Date	02-May-2008
Application Status Check	05-May-2008	Due Date	02-May-2008
Postcard Rec'd - Status Inquir	07-Aug-2008	Due Date	12-May-2008
Not of Abandonment	23-Sep-2008	Due Date	08-Oct-2008
Application Status Check	02-Oct-2008	Due Date	23-Sep-2008
File Petition to Revive?	23-Oct-2008	Due Date	23-Oct-2008
POA Filed	30-Oct-2008	Due Date	30-Oct-2008
File Petition to Revive?	23-Nov-2008	Due Date	13-Nov-2008
Decision on Pet Dismissed	15-Dec-2008	Due Date	29-Dec-2008
Request for Reconsideration	15-Feb-2009	Final	

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Page: 3

Status-Petition to Revive	13-Mar-2009	Due Date	15-Dec-2008
Acceptance of POA	30-Mar-2009	Due Date	07-Nov-2008

User ID: ncombs

Date Created: 17-Mar-2008

Last Update: 03-Feb-2009

US PATENT APPLICATION

Attorneys: DUC, 225

Client Ref. No: 2595

Client-Matter No: 11000060-0040

Client Name: EMBARQ

Inventors(s): Fries, Jeffrey; Edwards, Bill (William)

Title of Invention: COMPUTERIZED SYSTEM AND METHOD FOR UPDATING THE LAYOUT OF A
TELECOMMUNICATIONS NETWORK

Serial No: 10/787345

Group Art Unit: 2614

App. Status: Pending

Entity Type: LE

USPTO Filing Date: 26-Feb-2004

International Filing Date: 26-Feb-2004

Application Type: ORD

Family No: EM-0136

Parent/PCT Date:

Parent Serial No.:

Priority Date:

Priority Number:

Priority Doc. Mailed:

IDS Mailed:

Assignee: EMBARQ HOLDINGS COMPANY, LLC

USPTO COMMUNICATIONS

ISSUE DATA

Patent No:

Dated:

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PATTON BOGGS LLP.

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Internal Status: Embarq Case#+Country+Subcase: 2595US
Honorariums paid to Fries and Edwards 03/26/04

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10/787,345

Computerized system and method for updating telecommunications network

Select New Case	Application Data	Transaction History	Image File Wrapper	Address & Attorney/Agent	Assignment
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Transaction History

Date	Transaction Description
01-22-2009	Correspondence Address Change
12-15-2008	Mail-Petition Decision - Dismissed
12-15-2008	Petition Decision - Dismissed
12-15-2008	Mail-Petition Decision - Dismissed
12-15-2008	Petition Decision - Dismissed
11-13-2008	Petition Entered
11-13-2008	Petition Entered
11-07-2008	Change in Power of Attorney (May Include Associate POA)
11-05-2008	Correspondence Address Change
09-23-2008	Mail Abandonment for Failure to Respond to Office Action
09-20-2008	Abandonment for Failure to Respond to Office Action
09-09-2008	Change in Power of Attorney (May Include Associate POA)
12-10-2007	Reference capture on IDS
12-10-2007	Miscellaneous Incoming Letter
12-10-2007	Information Disclosure Statement (IDS) Filed
12-19-2007	Mail Non-Final Rejection
12-18-2007	Non-Final Rejection
12-10-2007	Information Disclosure Statement considered
12-10-2007	Information Disclosure Statement (IDS) Filed
11-16-2007	Date Forwarded to Examiner
11-08-2007	Response after Non-Final Action
11-08-2007	Request for Extension of Time - Granted
06-05-2007	Mail Non-Final Rejection
05-29-2007	Non-Final Rejection
04-03-2007	Date Forwarded to Examiner
03-23-2007	Response after Non-Final Action
12-19-2006	Correspondence Address Change
12-19-2006	Change in Power of Attorney (May Include Associate POA)
12-18-2006	Mail Non-Final Rejection
12-12-2006	Non-Final Rejection
03-21-2006	Case Docketed to Examiner in GAU
02-26-2004	New or Additional Drawing Filed
02-26-2004	Miscellaneous Incoming Letter
02-08-2005	IFW TSS Processing by Tech Center Complete
02-08-2005	Case Docketed to Examiner in GAU

05-16-2004	Application Return from OIPE
05-16-2004	Application Return TO OIPE
05-15-2004	Application Dispatched from OIPE
05-17-2004	Application Is Now Complete
02-26-2004	PGPubs nonPub Request
03-29-2004	Cleared by OIPE CSR
03-08-2004	IFW Scan & PACR Auto Security Review
02-26-2004	Initial Exam Team nn

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